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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF NEW YORK**

THE PROIMMUNE COMPANY, LLC, a  
Delaware limited liability company;

Plaintiff,  
v.

HOLISTA COLLTECH LTD., an Australian  
corporation; and DOES 1-50, inclusive;

Defendants.

Case No.: 7:20-cv-01247-KMK

AND RELATED COUNTERCLAIMS.

**PLAINTIFF/COUNTERCLAIM-DEFENDANT THE PROIMMUNE COMPANY, LLC'S**

**NOTICE OF MOTION FOR ATTORNEYS' FEES AND PREJUDGMENT INTEREST**

**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on a date to be set by the Court and pursuant to the Court's order dated March 21, 2023 (ECF 104), Plaintiff/Counterclaim Defendant The ProImmune Company, LLC ("ProImmune") moves this Court, before the Honorable Kenneth M. Karas of Courtroom 521, at the United States Courthouse, 300 Quarropas St., White Plains, NY, 10601-4150, for attorneys' fees as to its first and fourth causes of action and for defending Counterclaimant Holista Colltech Ltd.'s counterclaims pursuant to the attorney fee provisions contained in the respective contracts at issue. ProImmune moves this court for its attorneys' fees pursuant to Fed. R. Civ. P. 54(d)(2) on the grounds that the first and fourth contracts between the parties provided for the recovery of attorney's fees and ProImmune prevailed on its claims under those contracts, as well as against Holista's counterclaims brought under the fourth contract. ProImmune further seeks prejudgment interest as the prevailing party pursuant to *U.S. Naval Inst. v. Charter Commc 'ns, Inc.*, 936 F.2d 692, 698 (2d Cir. 1991), N.Y.C.P.L.R. §§ 5001 and 5002. ProImmune's motion is and will be based on this notice, the supporting memorandum of points and authorities, the declaration of Kete Barnes, and the pleadings and proceedings in this proceeding, any oral argument that the Court may order, and upon any other evidence presented by counsel at the hearing of this motion.

Dated: April 3, 2023

**BROWN NERI SMITH & KHAN, LLP**

By: s/ Ryan Abbott  
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